



Eliot Spitzer  
Governor

STATE OF NEW YORK  
OFFICE FOR TECHNOLOGY  
STATE CAPITOL, ESP  
PO BOX 2062  
ALBANY, NY 12220-0062

Dr. Melodie Mayberry-Stewart  
Chief Information Officer  
Director of OFT

September 14, 2007

Ms. Marlene Dortch  
Secretary - Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: **WT Docket 06-18. Additional Comments and Request Modification.**

Dear Ms. Dortch,

On October 24, 2005 the New York State Office for Technology – Statewide Wireless Network (SWN) filed a waiver request for utilization of a portion of their 700 MHz narrowband state allocation license (WPTZ779) in the New York City area prior to the end of the DTV transition period - February 17, 2009<sup>1</sup>. This waiver demonstrated that early utilization of this spectrum could be accommodated without causing significant interference potential to incumbent primary television broadcast services.

In requesting this waiver, the State provided documentation and engineering analyses showing that public safety operations on the portion of the 700 MHz state allocation that fell on television channels 64 and 69 could coexist with broadcast operations without causing harmful interference. The intent of this filing is to modify the waiver request in accordance to the recent FCC Docket 96-86 Order<sup>2</sup>, which introduces new center frequency definitions with regard to the 700 MHz channelization – the remainder of our Waiver request stands.

The recent order consolidated the narrowband public safety allocation into a single contiguous pair of 6 MHz blocks, located between 769-775 and 799-805 MHz. As shown in Figure 1, this new band configuration not only exhibits a consolidation of the narrowband spectrum, but also an overall shift downward of 1 MHz of the entire public safety allocation. The New York State waiver only requested the use of state allocation spectrum in the upper allocations from 774-776 MHz / 804-806 MHz.

<sup>1</sup> The Digital Television and Public Safety Act of 2005 ("DTV Act"), amended Section 309(j)(14) of the Communications Act, 47 USC §309(j)(14), to establish February 17, 2009 as a firm deadline for the end of the digital television transition period.

<sup>2</sup> In the Matter of: *Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010*, SECOND REPORT AND ORDER, Adopted: July 31, 2007

Figure 2 illustrates the spectrum location of both the original waiver request and this modification. Here it is shown that the state spectrum location for this waiver request modification is now 773-775 MHz / 803-805 MHz.

Even with this shift in frequency, all engineering analyses contained in the waiver materials previously provided by the state remains valid for the following reasons. First, all co-channel interference analyses to Channels 64 and 69 holds regardless of the 1 MHz offset. Second, all adjacent channel interference to television channel 65 was assumed to occur near the 776 MHz edge of the band, and since this is now shifted 1 MHz further away, the original analyses is much more conservative than necessary. Finally, adjacent channel interference analyses to Channels 63 and 68 assumed a conservative 3 MHz offset value (773 and 803 MHz) – a value that holds even after the 1 MHz shift.

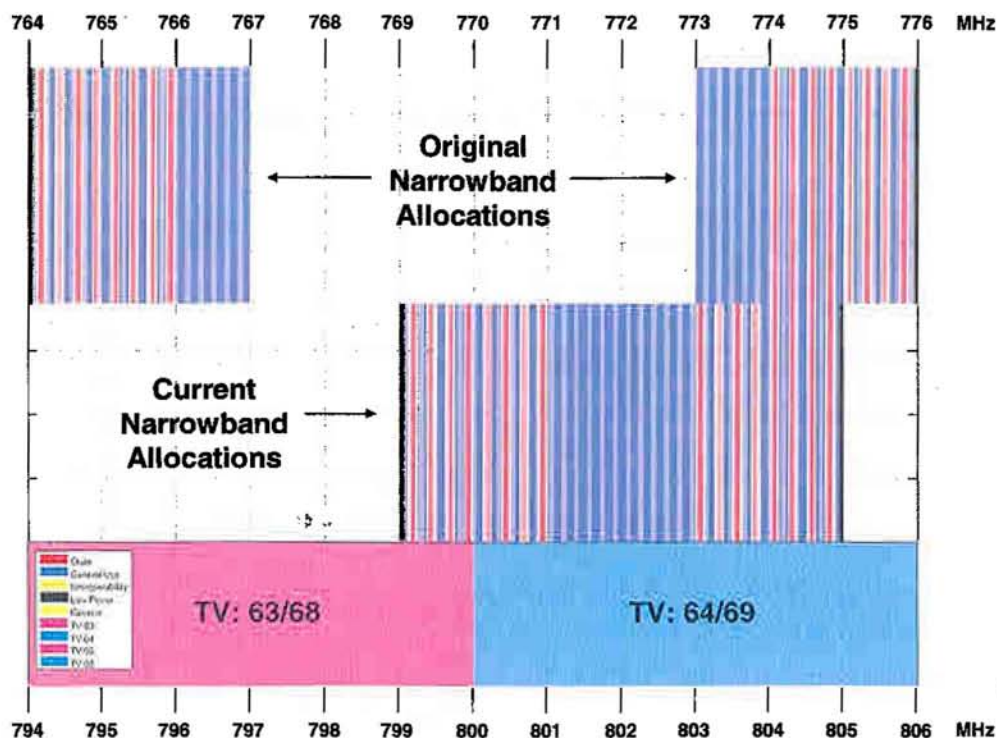


Figure 1: Shift in Narrowband Channel Locations Due to FCC Order

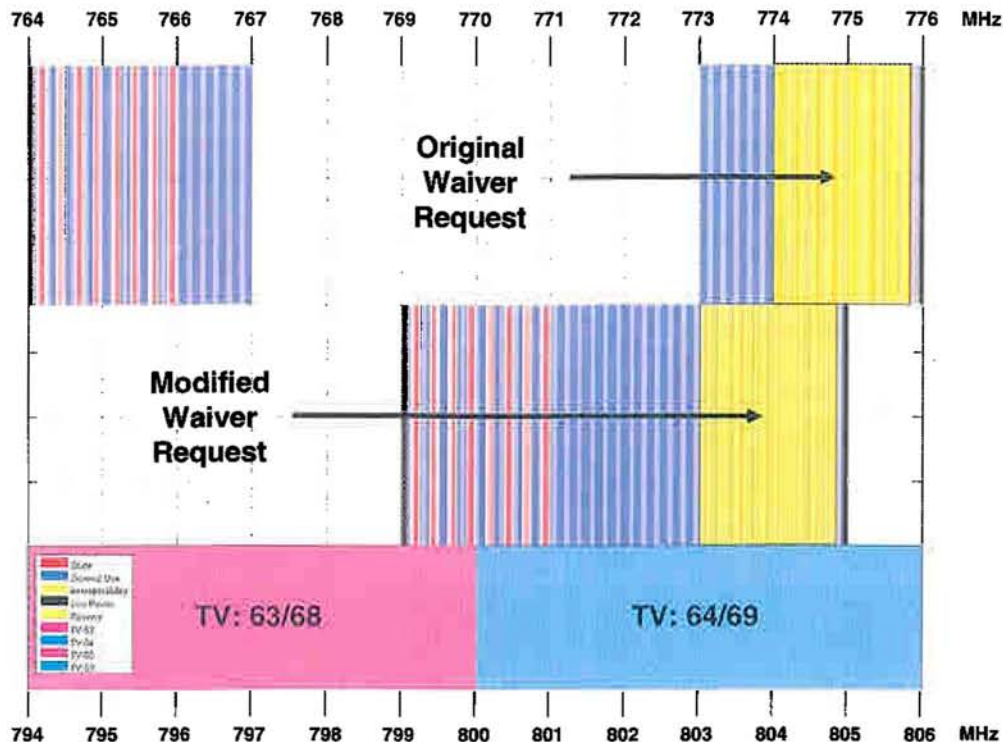


Figure 2: Shift in Waiver Channel Locations Due to FCC Order

Given the new Part 90 Rules, the State wishes to formally modify their waiver request to the new channel locations detailed herein and notes that the engineering analyses previously provide fully supports this modification request.

It should also be noted that this requests will introduce no need for funding reimbursement for retuning. The State does however request expeditious approval of this waiver, as the need to deploy on these 700 MHz channels is critical to serve the public safety communications needs of the State and MTA police operations in this area.

Sincerely,

Hanford C. Thomas, Project Director  
Statewide Wireless Network

cc: Kevin J. Martin, Chairman - FCC  
Michael J. Copps, Commissioner - FCC  
Jonathan S. Adelstein, Commissioner - FCC  
Deborah Taylor Tate, Commissioner - FCC  
Robert M. McDowell, Commissioner - FCC  
Derek Poarch, Chief - Public Safety and Homeland Security Bureau  
Scott Flick, Attorney for WFUT  
Mark Denbo, Attorney for WMBC